IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 516 (S/S) of 2006

Head Constable (Transport),
Bhuwan Chandra,
Son of Sri Dungar Ram,
presently posted at Police Line,
Pithoragarh,
District – Pithoragarh. .....Petitioner

V e r s u s

1. State of Uttaranchal through Additional Director General of Police, Administration, Police Headquarter, Uttaranchal, Dehradun.
2. Senior Superintendent of Police, Udham Singh Nagar.
3. Superintendent of Police, District – Pithoragarh.

…….Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri M. K. Goyal, learned counsel for the petitioner and learned standing counsel for the respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

The petitioner has filed the present writ petition for the following reliefs:

(a) issue a writ of mandamus commanding the respondents to promote the petitioner on the post of Sub Inspector Special Class, Transport from the date on which junior to the petitioner Sri Chandra Datt Joshi was promoted on the said post with consequential benefit.

(b) Issue any writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

The submission of the petitioner of is that petitioner was appointed on the post of Constable on 02.01.1974. The petitioner has passed Constable Driver Course in the year 1978 – 79 and also passed mechanical course in the year 1989. The petitioner was promoted on the post of Head Constable (Transport) on 17.04.1998. However, the Director General of Police (Administration), Uttaranchal vide order dated 30.08.2005 granted promotion to one Sri Chandra Datt Joshi on the post of Special Class Sub Inspector (Transport).

Learned counsel for the petitioner has submitted that Sri Chandra Datt Joshi is much junior to petitioner. One Sri Gaira Singh, who was also senior to Sri Chandra Datt Joshi, made a representation before respondent no. 1 and on 04.09.2005 the respondent no. 1 after considering the fact cancelled the promotion order of Sri Chandra Datt Joshi and Sri Gaira Singh, who is senior to Chandra Datt Joshi was promoted on the post of Sub Inspector. However, again by order dated 26.10.2005 passed by respondent no. 1 has recalled the earlier order dated 04.09.2005. Meaning thereby Sri Chandra Datt Joshi, who is junior to petitioner has again provided promotion on the post of Sub Inspector.

Petitioner has already submitted a representation before Additional Director General of Police (Administration), Uttaranchal, Dehradun about his grievance on 03.02.2006 which is still pending for

consideration before the Additional Director General of Police (Administration), Uttaranchal, Dehradun.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 1 may be directed to decide petitioner representation at the earliest.

In view of the facts stated above, I think it just and proper to direct the respondent no. 1 i.e. Additional Director General of Police (Administration), Uttaranchal, Dehradun to take decision on the representation of the petitioner dated 03.02.2006 (Annexure no. 6 to the writ petition) within a period of four weeks from the date of production of certified copy of the order. The writ petition is disposed of.

(M.M. Ghildiyal, J)

April 13, 2006
SKSharma